

Navy Hotline Investigative Report

Strategic Systems Programs

20 January 2012

1. Investigator(s) and Identifying Information and Location of Working Papers

a. Investigator(s) and Identifying Information

(b)
(6),
(b)
(7)

b. Location of Working Papers. Director Strategic Systems Programs, 1250 10th Street SE, Suite 3600, Washington, DC 20374

2. Background and Summary

a. Hotline Control #s, Dates of Receipt, and Tasking Dates

- (1) NAVINSGEN Case #201103712
- (2) SSP received the complaint on 18 November 2011 via scanned document email.
- (3) Investigation was commenced on 1 December 2011.

b. Summary of Complaint. Complainant alleged that (b)
(6),
(b)
(7),
(b)
(7)(C) improperly awarded civilian NOTU employees for volunteering to be food and beverage servers at a Change of Command reception on 5 August 2011. The ceremony and reception were conducted during working hours, designated as an official function, and civilians attending were being paid their normal federal pay. By having government employees volunteer as servers (b) (6), (b) (7)(C) was able to avoid the personal cost of paying a caterer to put on the reception. Complainant alleges that On-The-Spot Awards were presented to the civilians who were servers, presenting the impression the taxpayer paid the employee

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their normal pay for attending the ceremony and then again for serving food to the personal benefit of the commanding officer.

Contrary to DoDI 1400.25 DoD Civilian Personnel Management System and SSPINST 12451.1C Awards Program for Civilian Employees, federal civilian employees were awarded On-The-Spot Awards for actions that did not contribute to the efficiency, economy, or other improvement of Government operations or achieve a significant reduction in paperwork. Specifically, awards were given for voluntary service while in a regular work day federal pay status in support of a Change of Command reception, which is not an official government function (personal responsibility of the Commanding Officers - incoming and outgoing).

c. Additional Information. The SSP database did not reveal any previous substantiated allegations involving (b) (6), (b) (7)(C) [REDACTED].

d. Summary of the Outcome of Investigation. The circumstances associated with improper presentation of civilian On-The-Spot Awards were investigated, as well as misuse/mismanagement of government property and/or resources. During the course of this investigation an additional allegation was developed, and both allegations were substantiated. Based on the evidence, it was concluded that (b) (6), (b) (7)(C) [REDACTED] did not comply with guidance and requirements associated with DoD Civilian Personnel Management System Awards Program policy and guidance, and provided monetary awards from appropriated funds to civilian employees for work which did not meet award presentation requirements. Based on evidence, it was also concluded that (b) (6), (b) (7)(C) [REDACTED] did not comply with regulations associated with the proper use and management of government property and resources through use of volunteer federal employees in a full federal pay status (not on leave) to provide labor in support of a private function.

e. List of Allegations

(1) The following allegation was developed from the Hotline complaint that was received:

(b) (6), (b) (7)(C) [REDACTED], did improperly award On the Spot Awards to federal civilian employees for actions that did not contribute to the efficiency, economy, or other improvement of Government operations or achieve a

significant reduction in paperwork, in violation of DoDI 1400.25 DoD Civilian Personnel Management System and SSPINST 12451.1C Awards Program for Civilian Employees. Substantiated.

(2) During the course of the investigation the following additional allegation was developed:

(b) (6), (b) (7)(C), did misuse/mismanage government property and/or resources through use of volunteer federal employees in a full federal pay status (not on leave) to provide labor in support of a private function, a Change of Command reception in violation of 5CFR2635.705 Misuse of Position, Use of Official Time. Substantiated.

3. First Allegation. Improper award of On-The-Spot Awards to federal civilian employees for actions that did not contribute to the efficiency, economy, or other improvement of Government operations or achieve a significant reduction in paperwork. Substantiated.

a. Facts

(1) (b) (6), (b) (7)(C) relieved (b) (6), (b) (7)(C) on 5 August 2011.

(2) The civilian and military staff at NOTU were invited to the NOTU Change of Command ceremony and reception. The Change of Command ceremony was designated an official military function and leave was not required to be taken by civilian employees to attend.

(3) Volunteers from the civilian staff at NOTU were requested to assist with preparation for and conduct of the Change of Command ceremony and reception.

(4) Civilian staff volunteers from NOTU assisted with Change of Command ceremony preparations and execution, executing tasks such as sending invitations, tracking responses, ceremony coordination with other local agencies and commands, ceremony set up, etc. Civilian staff volunteers from NOTU also assisted with reception services - serving food and beverages.

(5) (b) (6), (b) (7)(C), in an attempt to hold down costs of the reception, which they both understood was their

responsibility to cover the cost of, decided to not cater the event using an outside company/organization. Instead, food and beverages were purchased by (b) (6), (b) (7)(C) from a local grocery store for the reception, with NOTU staff volunteers assisting in providing the labor to support serving of food and beverages.

(6) All NOTU staff civilians who attended the Change of Command ceremony and reception, whether as a guest or providing voluntary support, were in a normal federal pay status (not leave), which was authorized and not contrary to civilian personnel management policy or requirements.

(7) On 24 August, (b) (6), (b) (7)(C), submitted On-The-Spot award recommendations for six NOTU civilian staff members who performed volunteer work in support of the 5 August NOTU Change of Command reception. These personnel were (b) (6), (b) (7)(C). Three of these six personnel (b) (6), also received their respective On-The-Spot award for volunteer work in support of the Change of Command ceremony. These On-The-Spot awards presented appropriated funds in the form of monetary awards to these six individuals in recognition of their work at the reception.

(8) (b) (6), (b) (7)(C) recommended approval of the six On-The-Spot awards discussed in (7) above.

(9) (b) (6), (b) (7)(C) signed for final approval of the six On-The-Spot awards discussed in (7) above on 26 August 2011.

(10) (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) believed that providing On-The-Spot awards to NOTU civilian staff members who supported the Change of Command ceremony and reception did not violate any rule, statute, guideline or directive and was authorized.

(11) (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) did not review the requirements of DoDI 1400.25 DoD Civilian Personnel Management System or SSPINST 12451.1C Awards Program for Civilian Employees prior to approving the award recommendations to ensure On-The-Spot award requirements were met.

(12) (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) all stated that they did not recognize that presentation of an On-The-Spot monetary award to a civilian federal employee for work done as part of the NOTU Change of Command reception did not meet the requirements of DoDI 1400.25 DoD Civilian Personnel Management System or SSPINST 12451.1C Awards Program for Civilian Employees. Specifically, they stated that they were unaware that these awards required that the six civilian NOTU staff member's actions at the reception contribute to the efficiency, economy, or other improvement of Government operations or achieve a significant reduction in paperwork, which work performed in support of the reception did not. The reception was an event at which the full cost is borne by the incoming and outgoing Commanding Officers (personal responsibilities to cover the costs associated with the reception), and not an official government function.

b. Analysis/Discussion/Conclusion

(1) Recognition of three of the employees identified in (7) above for work performed outside of the scope of their normal duties in support of preparations for and conduct of the NOTU Change of Command ceremony did not violate any requirement or guideline associated with duty or work assignments performed by civilian federal employees.

(2) NAVORDTESTU Instruction 12451.2 Civilian Incentive Awards Program contains all applicable guidance and requirements for civilian awards as promulgated in DoDI 1400.25 and SSPINST 12451.1C. NAVORDTESTU Instruction 12451.2 does not reference DoDI 1400.25 or SSPINST 12451.1C.

(3) One of the six civilian staff members presented with an On-The-Spot award for work performed at the reception was (b) (6), (b) (7)(C). (b) (6), (b) (7) (7)(S) did not identify any concerns associated with presentation of these awards for work performed at the reception.

(4) (b) (6), (b) (7)(C) had been in command of NOTU for 21 days when he received the On-The-Spot award recommendations from (b) (6), (b) (7)(C) and (b) for (b) approval.

(5) The recommendation for presentation of On-The-Spot Awards to the six individuals for their work in support of the NOTU Change of Command reception on 5 August 2011 was made, as

well as recommendations for approval from the chain of command, and final approval by the Commanding Officer, with the intent to recognize members of the command who performed work outside of their normal duties in support of the NOTU Change of Command. There is no indication that NOTU leadership identified any issues or concerns associated with using volunteer federal employees to perform work at the reception, and with the six individuals being presented a monetary award from appropriated funds for this work. NOTU leadership believed they were authorized per civilian award requirements and guidance to present these awards, and were in full compliance with higher level guidance.

(7) No counsel was provided by NOTU staff leadership to (b) [REDACTED] or (b) (6), (b) (7) [REDACTED] that use of NOTU civilian staff (b) (6), [REDACTED] volunteers for support of Change of Command reception activities was not authorized, or that, at least, requirements addressing this issue should be reviewed prior making the decision to use NOTU civilian staff support for the reception.

(8) Based on this evidence, it was concluded that the allegation is substantiated.

c. Recommendations

(1) NAVORDTESTU Instruction 12451.2 Civilian Incentive Awards Program be updated to properly reference higher level requirements documents. Because this instruction is almost a verbatim copy of SSPINST 12451.1C Awards Program for Civilian Employees, NOTU should consider cancellation of their instruction unless there is some unique requirement for local amplifying guidance.

(2) SP14 conduct an audit of all SSP field activity civilian awards programs to assess processes used and compliance with DoDI 1400.25 DoD Civilian Personnel Management System and SSPINST 12451.1C Awards Program for Civilian Employees, to include field activity Human Resource Coordinator level of knowledge concerning civilian awards program requirements.

(3) SP14 and SPLe assess appropriate course of action and make a recommendation to SP00 regarding improper payment of appropriated funds (On-The-Spot Awards) to the six civilian employees at NOTU. It should be noted that three of the six identified were appropriately recognized for work performed in

support of the NOTU Change of Command ceremony.

d. Disposition. Forwarded to higher authority for appropriate administrative and/or corrective action.

4. Second Allegation. Violation of 5CFR2635.705 Misuse of Position, Use of Official Time, in that (b) (6), (b) (7)(C) did misuse/mismanage government property and/or resources through use of volunteer federal employees in a full federal pay status (not on leave) to provide labor in support of a private function, a Change of Command reception. Substantiated.

a. Facts

(1) (b) (6), (b) (7)(C) relieved (b) (6), (b) (7)(C) on 5 August 2011.

(2) The civilian and military staff at NOTU were invited to the NOTU Change of Command ceremony and reception. The Change of Command ceremony was designated an official military function and leave was not required to be taken by civilian employees to attend.

(3) (b) (6), (b) (7)(C) and (b) (6), in an attempt to hold down costs of the reception, which they both understood was their responsibility to cover the cost of, decided to not cater the event using an outside company/organization. Instead, food and beverages were purchased by (b) (6), (b) (7)(C) from a local grocery store for the reception, with NOTU staff volunteers assisting in providing the labor to support serving of food and beverages.

(4) Six Civilian staff volunteers from NOTU assisted with reception services - serving food and beverages.

(5) NOTU staff civilians who provided voluntary support at the Change of Command reception were in a normal federal pay status (not leave). NOTU staff civilians who volunteered to perform Change of Command reception support services believed that their services did not violate any rule, statute, guideline or directive and was authorized.

(6) (b) (6), (b) (7)(C) and (b) (6), (b) (7) believed that their use of NOTU civilian staff volunteers to perform Change of Command reception support services did not violate any rule, statute, guideline or directive and was authorized.

b. Analysis/Discussion/Conclusion

(1) (b) (6), (b) (7)(C) and (b) (6), (b) (7) attempted to hold costs down for their Change of Command reception by using NOTU civilian staff volunteers, without recognition that these staff members were providing "free labor" while in a full federal pay status in support of the reception, which was not an official function.

(2) The labor provided by the volunteer NOTU civilian staff provided monetary savings to (b) (6), (b) (7)(C) and (b) (6), (b) (7), while these staff members were also receiving full federal wages, which is contrary to 5CFR2635.705.

(3) No counsel was provided by NOTU staff leadership to (b) (6), (b) (7) or (b) (6), (b) (7) that use of NOTU civilian staff (b) (6), (b) (7) volunteers for support of Change of Command reception activities was not authorized, or that at a minimum requirements addressing this issue should be reviewed.

(4) Based on this evidence, it was concluded that the allegation is substantiated.

c. Recommendations

(1) All SSP field activity commanding officers be counseled to ensure they are empowering their staffs to provide forceful backup for all processes to ensure compliance with applicable requirements. Additionally, field activity commanding officers should be advised to leverage resources at SSP Headquarters in reviewing steps to ensure compliance with requirements prior to commencement of any infrequent, unusual, or unfamiliar process or project.

(2) SP01 direct all SSP field activity commanding officers be to annually review and acknowledge understanding of Navy ethics requirements.

(3) SP14 and SPLe assess appropriate course of action and

make a recommendation to SP00 regarding any requirement to account for the monetary value of the services provided by the six volunteer NOTU federal employees in support of the NOTU Change of Command reception, a private function.

d. Disposition. Forwarded to higher authority for appropriate administrative and/or corrective action.

5. Interviews and Documents

a. Interviews Conducted. (All interviews conducted in person unless otherwise noted.)

- (1) (b) (6), (b) (7)(C) (subject) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
- (2) (b) (6), (b) (7)(C) (witness) (b) (6), (b) (7)(C)
- (3) (b) (6), (b) (7)(C) (witness) (b) (6), (b) (7)(C)
- (4) (b) (6), (b) (7)(C) (witness) (b) (6), (b) (7)(C)
- (5) (b) (6), (b) (7)(C) (witness) (b) (6), (b) (7)(C)

b. Documents Reviewed

- (1) DoDI 1400.25 DoD Civilian Personnel Management System
- (2) SSPINST 12451.1C Awards Program
- (3) NAVORDTESTU Instruction 12451.2 Civilian Incentive Awards Program
- (4) 5CFR2635.705 Misuse of Position, Use of Official Time